

IN THE COURT OF COMMON PLEAS
FOR HAMILTON COUNTY, OHIO

STATE OF OHIO, PLAINTIFF

RE:

-vs-

LOUIS MERRIWEATER, DEFENDANT:

JURISDICTIONAL QUESTION

Case No. B-9702196

Judge Robert S. Kraft SEP - 9 2003

FILED
COURT OF APPEALS

GREGORY HARTMANN
CLERK OF COURTS
HAMILTON COUNTY

MOTION FOR EVIDENTIARY HEARING

PURSUANT TO R.C. §2953.22

[P]etition to vacate and set a-side the judgment of conviction and sentence as being void under the Ohio Constitution and the United States Constitution for lack of statutory subject matter jurisdiction, pursuant to R.C.'s §2953.21(B)(2), §2937.02, §2935.09, §2935.17(B) and Criminal Rule(3).

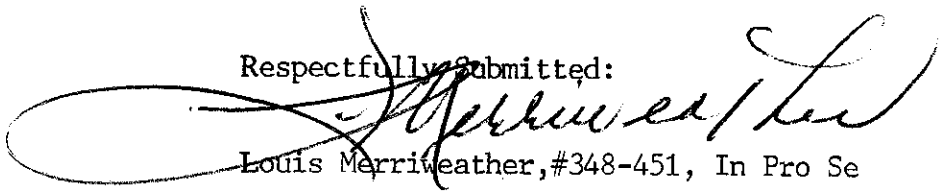
STATE OF OHIO

ROSS COUNTY

VERIFIED PETITION

Now comes Petitioner Louis Merriweather, in pro se and petitions this honorable court for post-conviction relief pursuant to R.C. §2953.21 and the reason for this petition are, there were such denials and infringements of the Petitioner's rights in his State trial conviction, as to render all of the pre-trial proceedings and the judgment of his conviction void under both the Ohio Constitution Art. 1, Section 10, and the United States Constitution, 14th Amendments.

Respectfully Submitted:


Louis Merriweather, #348-451, In Pro Se

P.O. Box 5500

Chillicothe, Ohio 45601-0990

9/12/03

Clerk.

Please be advised that I filed with the Court of Common Pleas, my motion for evidentiary hearing pursuant to C.P. 2953.22 which was to be promptly take before trial Court Judge.

A Clerk incorrectly filed this motion of Question Jurisdiction (Case No. B-9703196) in The Court of Appeals - Filed Sep-9-2003

Please promptly correct this error and filed this motion in the correct Court which is Common Pleas, and please forward me a Stamp Copy filed received for the Common Pleas Court, with an Appearance Docket;

② Please forward me a copy of my Case No. B-9703196 Journalized Entry - I have requested for this item several times in the past to "No Avail"

A.

Respectfully
 William E. Hee
 #348 451
 P.O. Box 5500
 Willicott, Ohio
 45601-0990

LOUIS MERRIWEATHER, #348-451
P.O. BOX 5500
CHILLICOTHE, OHIO 45601-0990
OCT. 6, 2003

B-9702/96

TOO: Clerk, Hamilton County Common Pleas Desk, and Clerk of the First Appellate Court:

Subject Matter: Proper filing of Petition on question of subject matter jurisdiction
Pursuant to O.R.C. §2935.21(B)(C).

Clerk(s):

On Sept. 2, 2003, I properly filed with the clerk of common pleas a post-conviction petition on the question of subject matter jurisdiction, the common pleas clerk incorrectly filed my petition in the first appellate court after stamping received in the common pleas desk, (I personally provided the common pleas clerk with 4 copies, one to be stamped and returned to me, leaving the clerk with three(3) copies). For over 30 days this properly filed petition has layed inactive between the desks of the common pleas and the first appellate court, now on Oct. 2, 2003, its beginning requested that I again submit another copy of the same petition again to common pleas desk for filing and docketing; all is not well for: one, I'm an **unlettered pro, se, indignant** petitioner without any more funds to provide this clerk with any more copies. **Secondly**, I should not be compelled to provide more copies, when done from the start properly. **Thirdly**, My petition when first filed properly should have become active on Sept. 2, 2003, by having me refile my petition again with the same proper court, restarts my petition [time] **anew**, [where as it stands now the respondent the Hamilton county prosecutor's respond would be **untimely**, to start anew would grant the Hamilton County Prosecutor more than 40 days more time to respond, which would be a violation of O.R.C. 2935.21(C). Your clerk properly stamped and filed my petition in the common pleas court then, filed and stamped the same petition on the same day and time with the first appellate court.

"When a motion or petition is properly filed before a court having proper jurisdiction and that motion/petition is stamped and filed, its presumed that the time begins to run then and there, if by error of the clerk, or courts such motions/petitions are delayed, the error does not fall to the mover/petitioner and nor does the time toll"

TO[r]estart my petition anew would be in strict violations of my constitutional rights in ,one "denial of due process protection" two, "denial of access to the courts". I therefore respectfully request that, **One**, the clerk of common pleas properly filed and docket my petition with copies already on hand, and the clerk promptly forward this petitioner with such copy filed and stamped in common pleas court with docket statement. **Secondly**, that petitioner be granted active time from Sept. 2, 2003.

Respectfully Submitted

Louis Merriweather

LOUIS MERRIWEATHER, #348-451
P.O. BOX 5500
CHILLICOTHE, OHIO 45601-0990
SEPT. 23, 2003

Clerk, First Court of Appellate Appeals, Hamilton County

Ref: Routing of Petition/Motion for Evidentiary Hearing, Pursuant to
O.R.C. §2935.21(B)(C):

Please be advised that this Petition/motion is **"not an appeal for any means"** it is a question on **subject matter jurisdiction**, and according to the O.R.C. should be filed before the sentencing court, for some unknown reason this motion had been rerouted from the Common Pleas Court to your Court in absence of proper procedure to even a unlettered pro se Petitioner as myself, this Petition/motion was first filed in the Common Pleas Court on Sept. 2, 2003, **"this is a postconviction petition"** on subject matter jurisdiction, please forward this to the proper court and forward me a time stamped file copy from such proper court with credit from Sept. 2, 2003.

Respectfully Submitted

Louis Merriweather

CERTIFICATE OF SERVICE

I, Louis Merriweather, hereby certify that true copy of the foregoing judicial notice was forward by U.S. Mail per-paid to the OAG at 140 E. Tower St., Columbus, Ohio 43215, on this 24 day of Dec., 2003